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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**
9 **AT SPOKANE**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 BETSY DeVOS, in her official
14 capacity as Secretary of the United
15 States Department of Education, and
16 the UNITED STATES
DEPARTMENT OF EDUCATION, a
federal agency,

Defendants.

NO. 2:20-cv-00182-TOR

ORDER GRANTING
PLAINTIFF STATE OF
WASHINGTON'S MOTION
FOR PRELIMINARY
INJUNCTION

[PROPOSED]

NOTED FOR: June 11, 2020
With Oral Argument

17 This matter came before the Court on Plaintiff State of Washington's
18 Motion for Preliminary Injunction. The Court has considered all of the following:

19 1. Plaintiff State of Washington's Motion for Preliminary Injunction
20 (ECF No. _____) with supporting declarations and exhibits;

21 2. Defendants' Response to Plaintiff State of Washington's Motion for
22 Preliminary Injunction (ECF No. ____);

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STATE OF WASHINGTON'S
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NO. 2:20-cv-00182-TOR

1 3. Plaintiff State of Washington's Reply in Support of Motion for
2 Preliminary Injunction (ECF No. ____); and

3 4. The entire record in the above-captioned matter.

4 Being fully apprised of the matter, now, therefore, it is hereby

5 ORDERED, ADJUDGED, AND DECREED that Plaintiff State of
6 Washington's Motion for Preliminary Injunction is hereby GRANTED.

7 The Court finds that Washington has established a likelihood of success
8 on the merits of its claims under the Administrative Procedure Act, Separation of
9 Powers Doctrine, and Spending Clause, that they would suffer irreparable harm
10 absent preliminary injunctive relief, and that the balance of equities and the
11 public interest weigh in favor of an injunction.

12 The Court, therefore, hereby GRANTS a preliminary injunction against
13 the implementation or enforcement of the Department's eligibility restriction that
14 limits the discretion of institutions of higher education in the State of Washington
15 to provide emergency financial assistance grants under the CARES Act, § 18004,
16 to students who are not eligible for federal financial aid under Title IV, section
17 484, of the Higher Education Act. The Court finds that Congress intended to grant
18 institutions of higher education discretion to determine which students will
19 receive CARES Act emergency aid grants, subject only to the limitations stated
20 expressly in the CARES Act, section 18004(c). If the Department's eligibility
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22

1 restriction were to continue to be in effect, it would irreparably injure
2 Washington's students and institutions of higher education.

3 Thus, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, the
4 Department of Education, its officers, agents, servants, employees, and attorneys,
5 and any person in active concert or participation with them, are hereby
6 PRELIMINARILY ENJOINED from implementing or enforcing the provision
7 in the April 21, 2020, guidance that restricts the eligibility of students in the State
8 of Washington who are entitled to CARES Act student emergency financial
9 assistance grants to only those students who are eligible for federal financial aid
10 under Title IV, section 484 of the Higher Education Act, in any manner or in any
11 respect, and shall preserve the status quo until further order of the Court.

12 No bond shall be required pursuant to Federal Rule of Civil
13 Procedure 65(c).

14 It is SO ORDERED.

15 ISSUED this _____ day of _____ 2020.

16
17 THE HONORABLE THOMAS O. RICE
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1 Presented by:

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3 Attorney General of Washington

4 /s/ Jeffrey T. Sprung

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